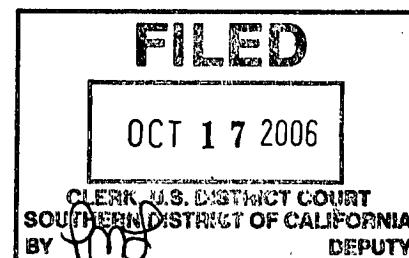


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Telephone: (619) 557-7455



7 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Magistrate Case No. 06MG1819

06082232-DMS

**Plaintiff,**

JORGE LUIS RODRIGUEZ

**STIPULATION OF FACT AND JOINT  
MOTION FOR RELEASE OF  
MATERIAL WITNESS(ES) AND  
ORDER THEREON**

Defendant.

### **(Pre-Indictment Fast-Track Program)**

16 IT IS HEREBY STIPULATED AND AGREED between the plaintiff, UNITED STATES  
17 OF AMERICA, by and through its counsel, Carol C. Lam, United States Attorney, and  
18 Lawrence A. Casper, Assistant United States Attorney, and defendant JORGE LUIS RODRIGUEZ,  
19 by and through and with the advice and consent of defense counsel, Lisa Kay Baughman, Esq., that:

20       1.     Defendant agrees to execute this stipulation on or before the first preliminary hearing  
21 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,  
22 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead  
23 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count  
24 of Transportation of Aliens and Aiding and Abetting, in violation of 8 U.S.C. §1324(a)(1)(A)(ii)  
25 and (v)(II).

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1           2.    Defendant acknowledges receipt of a plea agreement in this case and agrees to  
2 provide the signed, original plea agreement to the Government not later than five business days  
3 before the disposition date set by the Court.

4           3.    Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or  
5 before **November 2, 2006**.

6           4.    The material witnesses, Carlos Bautista-Morales, Auturo Lopez-Chavez, Maria Janet  
7 Sanchez-Sanchez and Candida Perez-Castaneda, aka Catalina Jardon-Carteras, in this case:

8               a.    Are aliens with no lawful right to enter or remain in the United States;  
9               b.    Entered or attempted to enter the United States illegally on or about  
10   October 1, 2006;

11              c.    Were found in a vehicle driven by defendant near Tecate, California and that  
12   defendant knew or acted in reckless disregard of the fact that they were aliens with no lawful right  
13   to enter or remain in the United States;

14              d.    Were paying \$1,500-\$1,600 to others to be brought into the United States  
15   illegally and/or transported illegally to their destination therein; and,

16              e.    May be released and remanded immediately to the Department of Homeland  
17   Security for return to their country of origin.

18           5.    After the material witnesses are ordered released by the Court pursuant to this  
19   stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any  
20   reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,  
21   including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

22               a.    The stipulated facts set forth in paragraph 4 above shall be admitted as  
23   substantive evidence;

24               b.    The United States may elicit hearsay testimony from arresting agents  
25   regarding any statements made by the material witness(es) provided in discovery, and such testimony  
26   shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest  
27   of (an) unavailable witness(es); and,

28   Stipulation of Fact and Joint Motion for Release of  
Material Witness(es) And Order Thereon in  
United States v. Jorge Luis Rodriguez

1 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),  
2 “testimonial” hearsay statements are not admissible against a defendant unless defendant confronted  
3 and cross-examined the witness(es) who made the “testimonial” hearsay statements, defendant  
4 waives the right to confront and cross-examine the material witness(es) in this case.

5       6. By signing this stipulation and joint motion, defendant certifies that defendant has  
6 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
7 further that defendant has discussed the terms of this stipulation and joint motion with defense  
8 counsel and fully understands its meaning and effect.

9       Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
10 immediate release and remand of the above-named material witness(es) to the Department of  
11 Homeland Security for return to their country of origin.

12 It is STIPULATED AND AGREED this date.

Respectfully submitted,

CAROL C. LAM

United States Attorney

16 Dated: 10/17/06

18 Dated: 10/10/06

21 Dated: 10.10.06

~~LISA KAY BAUGHMAN~~  
Defense Counsel for JORGE LUIS RODRIGUEZ

JORGE LUIS RODRIGUEZ  
Defendant

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**O R D E R**

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Upon joint application and motion of the parties, and for good cause shown,

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**THE STIPULATION** is admitted into evidence, and,

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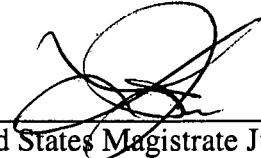
**IT IS ORDERED** that the above-named material witness(es) be released and remanded  
5 forthwith to the Department of Homeland Security for return to their country of origin.

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**SO ORDERED.**

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Dated: 10/17/06.

  
\_\_\_\_\_  
United States Magistrate Judge

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )

Plaintiff )

OCCR2232-DMS

CRIMINAL NO. 06MG1819

vs.  
Jorge Luis Rodriguez )

ORDER

Defendant(s) )

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District/ Magistrate Judge,

**Leo S. Papas**

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed / Order of Court).

Carlos Bautista - Morales

DATED: 10/17/06

**Leo S. Papas**

UNITED STATES DISTRICT/MAGISTRATE JUDGE

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DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by P.M. Lopez  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
Plaintiff )  
vs. )  
Jorge Luis Rodriguez )  
Defendant(s) )  
\_\_\_\_\_  
)

06MG1819  
CRIMINAL NO. 06CR2232-DMS

ORDER  
RELEASING MATERIAL WITNESS  
Booking No.

On order of the United States District/Magistrate Judge.

**Leo S. Papas**

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed  Order of Court).

Auturo Lopez-Chavez

DATED: 10/17/06

**Leo S. Papas**

UNITED STATES DISTRICT/MAGISTRATE JUDGE

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OR

W. SAMUEL HAMRICK, JR. Clerk

by *P.M. Dugay*  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
Plaintiff )  
vs. )  
Jorge Luis Rodriguez )  
Defendant(s) )

OlMG 1819  
CRIMINAL NO. 06CR7232-DMS

ORDER  
RELEASING MATERIAL WITNESS  
Booking No.

On order of the United States District/Magistrate Judge. Leo S. Papas

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed  Order of Court). MARIA JANET Sanchez - Sanchez

DATED: 10/17/06

Leo S. Papas

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED \_\_\_\_\_  
DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by P. M. Lopez  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

Jorge Luis Rodriguez

Defendant(s)

06M61819  
06CR2232-DMS

CRIMINAL NO.

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District/Magistrate Judge,

Leo S. Papas

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed / Order of Court).

CANDIDA PEREZ - CASTAÑEDA  
AKA: CATALINA JARDON - CARTERAS

DATED: 10/17/06

Leo S. Papas

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED

DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by

Deputy Clerk